

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NORMAN TODD,)
)
Plaintiff,)
)
v.) CASE NO. 2:07-cv-149-MEF
)
CITY OF CLANTON *et al.*,)
)
Defendants.)

O R D E R

On February 21, 2007, the Defendants filed a Motion to Dismiss (Doc. # 2). On March 9, 2007, the Plaintiff filed a Response (Doc. # 4). On March 16, 2007, the Defendants filed their Brief in Support of their Motion to Dismiss (Doc. # 6), along with evidentiary submissions in support thereof, consisting of a police report dated January 10, 2005 and Plaintiff's Notice of Claim.

On September 19, 2007, the Court entered an Order (Doc. # 11) advising the parties that Defendants' Motion to Dismiss will be treated as a Motion for Summary Judgment. The Court directed the parties to submit additional evidence in support or opposition to the motion. On October 3, 2007, Defendants' submitted a second Motion for Summary Judgment (Doc. # 20) and a supporting brief, which also supported the first Motion for Summary Judgment.

Therefore, it is hereby ORDERED as follows:

(1) The first Motion for Summary Judgment (Doc. # 2) is DENIED as duplicative.

(2) The arguments in the Defendants' first Motion for Summary Judgment will be considered when the Court rules on the Defendants' second Motion for Summary Judgment.

(3) The Court will enter a Scheduling Order that sets this case for trial.

Done this 25th day of March, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE